

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP APPEAL BRIEF -
Todd Peterson et al.)	PATENTS
Application No.: 10/806,750)	Group Art Unit: 2872
Filed: March 22, 2004)	Examiner: Joshua L. Pritchett
For: USE OF LIGHT SCATTERING)	
PARTICLES IN DESIGN,)	
MANUFACTURE, AND QUALITY)	
CONTROL OF SMALL VOLUME)	
INSTRUMENTS, DEVICES, AND)	
PROCESSES)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

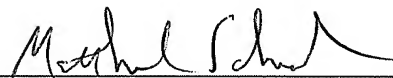
A Notification of Non-Compliant Appeal Brief was mailed on July 3, 2008. According to the Notification, the Substitute Appeal Brief filed June 26, 2008 is defective for failure to comply with 37 C.F.R. § 41.37(c)(1)(iii). The Notification indicates that the entire brief is not required, only the section that was found defective. Thus, Applicants submit herewith corrected page 4 of the Substitute Appeal Brief.

In the event that any additional fees are due with this submission, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 1, 2008

By: 
Matthew L. Schneider
Registration No. 32,814

Customer No. 21839
P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620

III. STATUS OF CLAIMS

Claims 1-8, 14-16, 18, 19 and 32-35 are pending in this application and all claims stand rejected. Claims 1-5, 7, 8, 18, 19 and 32-35 stand rejected under 35 U.S.C. §102(e); claims 14-16 stand rejected under 35 U.S.C. §103(a); and claim 6 also stands rejected under 35 U.S.C. §103(a). Claims 9-13, 17 and 20-31 are canceled. The rejections of Claims 1-8, 14-16, 18, 19 and 32-35 are being appealed.